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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,483	02/12/2002	David E. Carlson	81001/101/102	8771

7590 11/18/2002

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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/075,483

Applicant(s)


CARLSON, DAVID E.

Examiner

Daniel St.Cyr

Art Unit

2876



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. It is acknowledged that this application is a continuation in part of the application 09/580,853.

#### ***Specification***

2. The specification of the disclosure is objected to because the first line should state that this application in continuation in part of the application 09/589,853, filed 5/30/00.

#### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: line 2, “, the improving” should be deleted. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maddock, US Patent No. 4,953,701, in view of Lyon, US Patent No. 3,787,993, cited by the applicant.

Maddock discloses a fluorescent tube carrier assembly comprising: a fluorescent tube carrier 2 has a plurality of capsules 4, each capsule has two ends 6, 8. The end 6 of each capsule 4 is closed off by a removable cover 10. At the other end 8 of each capsule 4, there is located a container 12. The container 12 is large enough to completely cover all of the ends 8 of the capsules 4 and deep enough to accommodate that part of a fluorescent tube 14 that extends beyond the ends 8 of each of the capsules 4. The container 12 is removably affixed to the ends 8

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of the capsules 4 in any conventional manner. The container 12 has a base 16 that is removable from the rest of the container. Four spacers 17 hold the capsules in a fixed relationship with one another. The particular spacer 17 located at an end 8 of the capsules 4 also serves as a cover to prevent any broken glass within the container 12 from leaving the container 2 (see figures 1, 5; col. 2, line 18+ and col. 4, line 32+).

Maddock suggests that each capsule could have signaling means thereon to indicate new or spent (used) fluorescent tubes, but fails to disclose the specific indication means for indicating the state of the fluorescent tubes within the capsule.

Lyon discloses a colored coded gas container band for indicating the state (empty or otherwise) and the type of gas, wherein a yellow band indicates an empty tank (see figures 3-6; col. 3, lines 1-19).

In view of Lyon's teachings, it would have been obvious for an artisan of ordinary skill at the time the invention was made to employ the well-known indicating means of Lyon into the teaching of Maddock for identifying the state of each fluorescent light tube. Such modification would provide a more convenient and more secure way of identifying the state of the fluorescent tubes to prevent erroneously breaking of a new fluorescent tube. Therefore, it would have been an obvious extension as taught by Maddock.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aeschliman, US Patent No 4,613,042, discloses a lamp holder. Neeley et al, US Patent No. 5,164,575, discloses a fluorescent tube carrier. Lawrence et al, US Patent No. 5,553,708, disclose a packaging for shipping spent fluorescent lamps.

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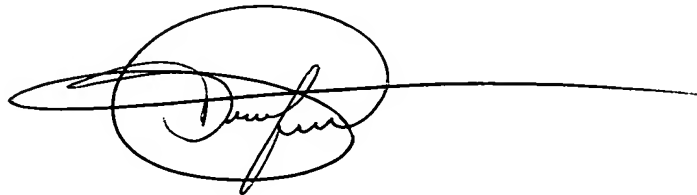
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr  
Examiner  
Art Unit 2876

DS  
November 15, 2002

A handwritten signature in dark ink, appearing to read 'Daniel St.Cyr', is written over a large, light-colored oval. A long, horizontal line extends from the right side of the signature across the page.